TL 1692

BILL TO PROMOTE SELF-DETERMINATION FOR EAST TIMOR

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OF OHIO

IN THE HOUSE OF REPRESENTATIVES

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Mr. HALL of Ohio. Mr. Speaker, today I am introducing legislation to promote self-determination for the people of East Timor and to terminate United States assistance to Indonesia. I am pleased that the gentleman from New York [Mr. DOWNEY], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Rhode Island [Mr. MACHTLEY], and the gentleman from Massachusetts [Mr. FRANK] are joining me as original cosponsors.

On December 7, 1975, Indonesian military forces invaded the former Portuguese colony of East Timor. The territory was made the 27th Province of Indonesia in 1976. The Washington Post termed this action "integration without choice," and observed in an editorial on May 23, 1976: "Timor's absorption has been a depressing example of international double standards."

At least tens of thousands of East Timorese—most experts say between 100,000 and 200,000—out of a population of nearly 700,000, died in the fighting, famine, and disease that followed Indonesia's invasion and occupation of East Timor. Most of these deaths occurred outside of the world's view, with Indonesia effectively closing and controlling all access to the territory. A bloodstained "khaki curtain" was draped over East Timor.

Like the Iraqi invasion of Kuwait in 1990, the Indonesian invasion of East Timor in 1975 was condemned as a violation of international law. The United Nations General Assembly passed Resolution 3485 and a Security Council passed Resolution 384, both of which deployed the Indonesian military intervention in East Timor, called upon the Government of Indonesia to withdraw without delay its armed forces from East Timor, and reiterated the right of the people of East Timor to self-determination. In adopting Resolution 3485, the United Nations General Assembly stated that it: "Calls upon all States to respect the inalienable right of the people of Portuguese Timor to self-determination, freedom and independence and to determine their future political status in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples."

As the Indonesian occupation continued into 1976, the United Nations Security Council passed Resolution 389, which again called for the withdrawal of Indonesian military forces from East Timor and which reaffirmed "the inalienable right of its people to self-determination." This resolution further declared that "all efforts should be made to create conditions that will enable the people of East Timor to exercise freely their right to self-determination.

Despite the revulsion of the world community to the illegal annexation of East Timor by Indonesia, Indonesia continues to occupy East Timor in contravention of international law and global opinion expressed through the United Nations. In the years since the invasion of East Timor, international human rights groups have continued to report widespread and ongoing violations of basic human rights. Visitors from the outside world who have managed to get into Indonesia-occupied East Timor have consistently noted a climate of fear and repression. As an editorial of The Christian Science Monitor of April 28, 1992, summarized it: "For 16 years Indonesia has kept East Timor in a state of perpetual repression. There is no self-government, press, unions, student, or professional groups. The few reporters daring to venture into Timor tell of police stations and torture chambers spread throughout the capital, Dili."

From time-to-time, specific details of Indonesian atrocities have come to world attention, but no such incident had the impact of the massacre of unarmed Timorese at Dili's Santa Cruz cemetery by Indonesian military forces on November 12, 1991. At least 75 to 100 civilians were killed, with many more injured. The precise number of casualiteis may never be determined.

Other massacres and other atrocities have occurred in East Timor since 1975. But this incident was different: it was videotaped by an outsider who succeeded in smuggling the tape out of the militarized territory. In addition, two American reporters, Allan Naim and Amy Goodman, were savagely beaten and nearly killed by the Indonesian soldiers who perpetrated the massacre. They survived to become witnesses to the world of the tragedy of East Timor.

The wake of the Santa Cruz massacre in Dili, the House and the Senate each passed resolutions condemning the killings, asking for justice, and urging the monitoring of human rights conditions in East Timor. Throughout the years since the invasion, large numbers of Representatives and Senators have cosigned numerous letters and resolutions about human rights violations in East Timor. In essence, these initiatives have urged the United States and other concerned nations to encourage the Indonesian Government to stop the killing in East Timor, respect basic human rights, and allow increased access to East Timor by international human rights groups and journalists.

Until today, these congressional efforts have not directly addressed the question of self-determination for the people of East Timor. However, the convergence of the November massacre and current international realities have sparked congressional interest in the issue of self-determination.

With the ending of the cold war, the revitalization of the United Nations, and the international trend to recognize long-postponed nationalistic aspirations, the question of self-determination for East Timor can now be put upon the table. At the core of the human rights violations in East Timor is a fundamental injustice: The Timorese have never been granted the chance to determine their own future.

It is insufficient to beg the Indonesians repeatedly to treat the Timorese with basic human decency. This is like condoning slavery, but asking the slave driver to spare the whip. Attention instead must be focused on getting the Indonesians to withdraw from East Timor and to allow the Timorese to participate in a referendum on self-determination.

Unfortunately, the Indonesians have not responded positively to appeals to allow the people of East Timor to vote on their own status. The Government of Indonesia has claimed that the question of self-determination was settled in 1976. The position of the United States has been to recognize the de facto incorporation of East Timor into Indonesia, without acknowledging that a valid act of self-determination occurred.

Since human rights violations by Indonesian forces in East Timor continue, and since Indonesia has failed to respect the United Nations declarations calling for the withdrawal of its troops from East Timor and self-determination for the Timorese, greater international pressure must be brought to bear on Indonesia. Following the November massacre, Canada and Denmark suspended aid to Indonesia, and the Netherlands recently severed its aid to Indonesia, including its chairing of the Inter-Governmental Group on Indonesia.

When Iraq invaded Kuwait, the United States spearheaded the international effort to impose sanctions against the Saddam Hus-

sein government. It was clear there could no longer be "business as usual" with a government acting in blatant violation of international law. Similarly, there should be no "business as usual" with Indonesia as long as it perpetuates its illegal annexation of East Timor. Outdated cold war geopolitical considerations have no place in a new world order based upon respect for international law and the rights of peoples to determine their own destines.

The bill my colleagues and I are introducing today terminates United States bilateral assistance to Indonesia upon the date of enactment. It further suspends generalized system of preference benefits for Indonesian products and requires the Secretary of the Treasury to instruct the United States representative at the World Bank to oppose any loan or other utilization of Bank funds for Indonesia.

Estimated fiscal year 1992 military and economic aid for Indonesia is about $58 million. In addition, commercial arms deliveries under the Arms Export Control Act are expected to total $42.9 million in fiscal 1992, and foreign military sales agreements should add another $10 million.

Under the generalized system of preferences [GSP], the President can extend duty-free treatment to some or all of the exports of a developing nation. In 1990, total United States imports of GSP products from Indonesia totaled about $562 million, of which about $216 million was in the form of GSP free imports and $346 million was in the form of GSP dutiable imports. The 1991 United States trade deficit with Indonesia was $1.3 billion, with United States imports from Indonesia of $3.2 billion and United States export to Indonesia of $1.9 billion.

Up until this year, Indonesia has received considerable financial assistance from governments and international organizations that have participated in the Inter-Governmental Group on Indonesia [IGGI], whose members have included: Australia, Austria, Belgium, Canada, France, Germany, Indonesia, Italy, Japan, the Netherlands, New Zealand, Spain, Switzerland, the United Kingdom, and the United States. Multilateral representation has included: the World Bank, the International Monetary Fund, the Asian Development Bank, and the U.N. Development Program. At the June 1991 meeting of the IGGI, Indonesia's international donor community pledged a total of $4.75 billion, made up of $1.89 billion in bilateral aid and $2.86 billion in multilateral aid. The IGGI mechanism essentially was dissolved with the discontinuation of aid to Indonesia from the Netherlands. A World Bank effort is underway to create the Consultative Group on Indonesia [CGI] to replace the IGGI. World Bank loans approved in fiscal year 1991 for Indonesia totaled $1.6 billion.

The termination of bilateral aid, the suspension of multilateral assistance, and the denial of trade preferences would remain in effect until the President certifies to Congress that: (1) Indonesia is permitting immediate and unrestricted access to East Timor for international human rights organizations and international organizations; (2) international human rights organizations report that Indonesian Government forces or other military or paramilitary forces under the control of the Government of Indonesia have ended all forms of inhumane treatment, including torture; (3) Indonesia is in compliance with United Nations General Assembly Resolution 3485 and United Nations Security Council Resolutions 384 and 389; and (4) Indonesia allows a United Nations supervised referendum on self-determination for the people of East Timor.

This is strong legislation, but a strong response is long overdue to Indonesia's aggression, repression, and terror in East Timor. At a time when every U.S. foreign aid dollar is undergoing rigorous scrutiny, why should the taxpayers provide aid to a nation which has seized and subjugated its neighbor? The Congress can both save money and stand for principle in terminating aid to Indonesia.

I would urge my colleagues to join with me in cosponsoring this bill, the full text of which follows:

H.R. 5176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) In violation of international law, Indonesia invaded East Timor in December 1975, and forcefully annexed the territory in July 1976.

(2) Indonesian sovereignty over East Timor has never been recognized by the United Nations.

(3) The United Nations General Assembly adopted Resolution 3485 in 1975 and the United Nations Security Council adopted Resolution 384 in 1975 and Resolution 389 in 1976, each of which called upon the government of Indonesia to withdraw without delay its armed forces from East Timor and which reiterated the right of the people of East Timor to self-determination in accordance with General Assembly Resolution 1514(XV).

(4) United Nations General Assembly Resolution 37/30 of November 1982 requested the Secretary-General to initiate consultations with all parties directly involved in the situation in East Timor in order to achieve a comprehensive settlement of the issue.

(5) Tens of thousands of East Timorese, out of a population of nearly 700,000, died in the fighting, famine, and disease that followed Indonesia's invasion and occupation of East Timor.

(6) Throughout the years of Indonesia's occupation of East Timor, international human rights organizations have reported evidence of human rights violations, including killings, torture, arbitrary arrest, and repression of freedom of expression.

(7) Indonesia's forceful suppression of basic human rights in East Timor was brought to world attention on November 12, 1991, when Indonesian military forces opened fire on unarmed Timorese civilians in Dili, killing 75 to 100 people and injuring many more.

(8) International human rights organizations report intense repression in East Timor in the period since the massacre of November 12, 1991.

(9) In section 359 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, the Congress called for an end to all forms of human rights violations in East Timor and for an internationally acceptable solution which addresses the underlying causes of the conflict in East Timor.

(10) Indonesian military forces remain in East Timor in contravention of resolutions adopted by the United Nations General Assembly and Security Council, and the Government of Indonesia has failed to initiate an internationally recognized process for self-determination for East Timor.

SEC. 2. TERMINATION OF FOREIGN ASSISTANCE FOR INDONESIA.

(a) TERMINATION OF FOREIGN ASSISTANCE FOR INDONESIA.—United States assistance to Indonesia shall be suspended on the date of the enactment of this Act until the President determines and certifies to the Congress that—

(1) Indonesia is permitting immediate and unrestricted access to East Timor for international human rights organizations and international organizations;

(2) international human rights organizations report that Indonesian government forces or other military or paramilitary forces under the control of the Government of Indonesia have ended all forms of inhumane treatment, including torture;

(3) Indonesia is in compliance with United Nations General Assembly Resolution 3485 and United Nations Security Council Resolutions 384 and 389; and

(4) Indonesia allows a United Nations supervised referendum on self-determination for the people of East Timor.

(b) DEFINITION.—

(1) For the purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government.

(2) Such term includes—

(A) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(B) assistance under the Arms Export Control Act;

(C) sales under title I or title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(E) financing under the Export-Import Bank Act of 1945; and

(F) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence.

(3) Such term does not include—

(A) assistance which involves the donation of food or medicine;

(B) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance act of 1961);

(C) assistance for refugees; and

(D) assistance made available for termination costs arising from the requirements of this section.

SEC. 3. SUSPENSION OF MULTILATERAL ASSISTANCE

Until the President makes the determination and certification pursuant to section 2(a), the Secretary of the Treasury shall instruct the United States executive directors of the International Monetary Fund, the International Bank for Reconstruction and Development, and the International Development Association to oppose any loan or other utilization of the fund of their respective institutions to or for Indonesia.

SEC. 4. DENIAL OF TRADE PREFERENCES.

Nothwithstanding any other provision of law, until the President makes the determination and certification pursuant to section 2(a), the provisions of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.) shall not apply with respect to the products of Indonesia.